

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JAMES ANTHONY CALDWELL,

Case No. 22-12233

Plaintiff,

F. Kay Behm

v.

United States District Judge

STOKELY-HAMDEN, *et al.*,

Kimberly G. Altman

United States Magistrate Judge

Defendants.

**OPINION AND ORDER ACCEPTING AND ADOPTING  
THE MAGISTRATE JUDGE'S MAY 3, 2023  
REPORT AND RECOMMENDATION (ECF No. 39)**

Currently before the Court is Magistrate Judge Kimberly G. Altman's May 3, 2023 Report and Recommendation. (ECF No. 39). Magistrate Judge Altman recommends granting Defendants' Bacon and Harbaugh's motion to dismiss, and granting their motion for summary judgment in part as to Defendant Harbaugh. (ECF Nos. 39, 23). Judge Altman further recommends granting Defendants Stokely-Hamden and Onyango's motion to dismiss. (ECF Nos. 39, 19). The Court is fully advised in the premises and has reviewed the record and the pleadings. Neither party has filed objections. "[T]he failure to object to the magistrate judge's report[] releases the Court from its duty to independently review the matter." *Hall v. Rawal*, 2012 WL 3639070 (E.D. Mich. Aug. 24, 2012) (citing

*Thomas v. Arn*, 474 U.S. 140, 149 (1985)). The court nevertheless agrees with the Magistrate Judge's recommended disposition. Therefore, the Court **ACCEPTS** and **ADOPTS** the Magistrate Judge's Report and Recommendation (ECF No. 39), **GRANTS** Onyango and Stokely-Hamden's motion to dismiss (ECF No. 19), **GRANTS** Defendants Bacon and Harbaugh's motion to dismiss (ECF No. 23), and **GRANTS** their motion for summary judgment in part as to Defendant Harbaugh and **DENIES** their motion for summary judgment as to Defendant Bacon, and **DISMISSES** the complaint with prejudice.

**SO ORDERED.**

Date: May 31, 2023

s/F. Kay Behm

F. Kay Behm

United States District Judge